



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

December 9, 2020

Conference scheduled for 12/18/20 is adjourned to 1/22/21,
at 10:00 a.m.

VIA ECF

Hon. Alvin K. Hellerstein
United States District Judge
United States District Court
500 Pearl Street
New York, New York 10007

The conference will be held via the following dial-in
numbers:

Call-in number: 888-363-4749
Access code: 7518680

Re: *Chen v. Wolf, et al.*, No. 20 Civ. 7141 (AKH)

/s/ Hon. Alvin K. Hellerstein
December 10, 2020

Dear Judge Hellerstein:

This Office represents the government in this action in which plaintiff seeks an order compelling U.S. Citizenship and Immigration Services (“USCIS”) to adjudicate his Application to Adjust Status (Form I-485) and Refugee/Asylee Relative Petition (Form I-730). The government’s response to the complaint currently is due on January 27, 2021, pursuant to the Court’s October 26, 2020 endorsed order. *See* ECF No. 11 (so-ordered on-consent extension request). On December 7, 2020, the Court scheduled a telephonic conference for December 18, 2020. *See* ECF No. 12. On behalf of both sides, I write respectfully to request an adjournment of the December 18 conference until a date after the government’s response to the complaint is due.

After the Court approved the government’s extension request on October 26, 2020, *see* ECF No. 11, USCIS has taken further steps towards completing the adjudications requested in the complaint, as it had indicated would happen in its extension request, *see* ECF No. 10. Specifically, USCIS scheduled an interview of plaintiff, conducted the interview on November 20, 2020, and approved the Form I-730 later that day. Also, as noted in the October 23 extension request, USCIS had previously issued a notice to plaintiff requesting additional information in regards to his Form I-485, with a due date for the response of December 28, 2020. *See* ECF No. 10. Plaintiff has since responded to the request (*i.e.*, prior to the due date). The remaining step is for the USCIS adjudicator to obtain the physical file (which is in transit) and review it in connection with the additional information now submitted by plaintiff so that USCIS can take adjudicative action on the Form I-485. USCIS has informed me that it anticipates taking adjudicative action on or before the current deadline for the government’s response to the complaint (*i.e.*, on or before January 27, 2021), which would render this action moot. The government therefore respectfully submits that the requested adjournment of the intervening conference now scheduled for December 18, 2020 is in the interests of efficiency and conservation of resources.

This is the government’s first request for an adjournment of the December 18, 2020 conference. Plaintiff’s counsel joins in this request.

I thank the Court for its consideration of this letter.

Respectfully submitted,

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Acting United States Attorney

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cc: Counsel of record (via ECF)